IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.697 OF 1996

Urmila Mimind Arwade, .. Petitioner
Vs
1. Shrikant Ganesh Arwade and anr. Respondents
Mr M.D.Angal for the petitioenr.
Mr S.G.Deshmukh with Mr A.V.Patwardhan, for respondent nos 1 and 2.

CORAM : D.B.BHOSALE, J.

DATE : MARCH 18, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This petition is arising out of the order dated 19.1.1996 passed by the learned IInd Additional District Judge, Sangli in Misc.Civil Application No.27 of 1995. The said Misc.Civil Application was filed by the respondents under sections 7 and 10 of the Guardians and Wards Act, 1890 seeking their appointment as guardian of Abhilash M Arwade, son of the present petition. The respondents are in-laws of the petitioner and grand parents of Abhilash. When Misc.Civil Application No.22 of 1995 was filed, Abhilash was 7.1/2 years old. This Court, while admitting the writ petition, had passed the following order:

"Rule.

. Interim stay of the impugned order dated 19.1.1996 passed by the 2nd Addl. Dsitrict Judge, Sangli below Exhibit-1 subject to the following:

. (1) The petitioner is directed not to prohibit the respondents to meet the child Abhilash during the period of school recess. However, the parties to see that there should be no inconvenience caused to the child and there should be no obstruction in his education or any disturbance during working hours.

. In case the respondents invite the petitioner for attending any function at their place such as "Shradha","Laxmi Pooja" etc the petitioner herein may go along with child, or may arrange to send the child to the house of the respondent. The respondents are directed to give proper and respectable treatment to the petitioner and her parents if they accompany her on such occasions.

. The parties also try to settle the dispute amicably in order to protect the interest of the child.

. Hearing of the Misc.Application No.22/1995 pending before the learned 2nd Addl. District Judge, Sangli is expedited and the learned Judge is directed to hear and dispose of the same preferably before the end of April, 1996.The parties agree to cooperate for

the early hearing of the same. Parties to appear before the learned Judge on 19.2.1996 on which date the learned Judge to give necessary directions regarding hearing of the said application".

3. The aforesaid order is in operation till this date. Mr Angal, learned counsel for the petitioner, submits that his client is not responding his letters, probably because Misc. Civil Application No.22 of 1995 must have been disposed of as per the orders of this Court. Keeping that in view and considering the aforementioned order passed by this Court on 7.2.1996, it appears that this petition has become infructuous. That may be the reason why the petitioner is not responding to the letters written by her Advocate. Mr Angal, also informs me that his client has already taken away all the papers, so is the case of the client of Mr Deshmukh, learned counsel for the respondents. In view of this, I am constrained to dismiss this petition as infructuous. Order accordingly.

(D.B.Bhosale, J.)